

AN ACT

ENTITLED, An Act to provide for the release of certain booking photographs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23-5-7 be amended to read:

23-5-7. Any department or institution that makes or takes any photograph, impression, measurement, description, or record including confidential criminal investigative information, taken or made as provided for in § 23-5-6 shall be filed and preserved by the department or institution. The department or institution may not publish, transfer, or circulate any impression, measurement, description, record, or photograph, except a criminal booking photograph, for a crime classified as a felony pursuant to § 22-6-1 outside the department or institution except to a duly authorized law enforcement officer. If the subject of a measurement, description, or other record becomes a fugitive from justice, or escapes from a penal institution then the measurement, description, or record may be exhibited to the public. This section does not apply to the release of information allowed pursuant to § 24-2-20. Any criminal booking photograph for a crime classified as a felony pursuant to § 22-6-1 is a public record pursuant to chapter 1-27.

Nothing in this section requires any law enforcement agency to provide or reproduce a criminal booking photograph older than six months from the date the criminal booking photograph was taken. An agency requested to provide or reproduce a criminal booking photograph is entitled to recover costs of retrieval or reproduction pursuant to § 1-27-35.

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I certify that the attached Act
originated in the

SENATE as Bill No. 25

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 25
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____,

20__ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State